

ORDINANCE 92-2

CHAPTER 43
WEEDS AND OTHER RANK VEGETATION

43-1 Definitions. The following shall apply in the interpretation and enforcement of this chapter:

Weeds shall include Shattercane, Johnsongrass, Giant Foxtail, Green Foxtail, Giant Green Foxtail, Witchgrass, Stinkgrass, Wild Barley, Crabgrass, Horsetail, Carpetweed, Chickweed, Wild Mustard, Yarrow, Dandelion, Canada Thistle, Bull Thistle, Common Sow Thistle, Musk Thistle, Black Nightshade, Spanish Needles, Wild Parsnip, Water Hemlock, Lambs Quarter, Rough Pigweed, Prostrate Pigweed, Spiny Pigweed, Sticktight, Milkweed, Hemp, Ironweed, Black-eyed Susan, Jerusalem Artichoke, Swamp Smartweed, Marijuana, Velvetleaf, Burdock, Cocklebur, Jimsonweed, Stinging Nettle, White Snakeroot, Big Root Morning Glory, Tall Morning Glory, Ivey Leafed Morning Glory, Hedge Bindweed, Wild Buckwheat, Burr Cucumber, Pokeweed, Red Sorrel, Ragweed, Catnip, Horseweed, Corncockle, Peppergrass, Chickory, Evening Primrose, Hounds Tongue, Trumpet Creeper, Greenbrier, and Poison Ivy.

Rank vegetation shall mean grass or plants, other than trees, bushes or flowers growing in a profuse and unmanageable way.

Agriculture crops, such as hay or pasture, shall not be weeds or rank vegetation.

43-2 Responsible Department. The department of the town which shall be responsible for administration of this ordinance shall be the Town Council.

43.3 Height. The height at which weeds or rank vegetation shall become a violation of this chapter is twelve (12) inches; any such weeds or rank vegetation exceeding twelve (12) inches in height are declared to be a nuisance.

43.4 Prohibition. It shall be unlawful for the owner of any lot or tract of land within the town to permit or allow weeds or rank vegetation to grow in excess of twelve (12) inches in height because such growth constitutes a hazard to the health, safety and comfort of the citizens of the town.

43-5 Notice to Remove. It shall be the duty of the Town Council through its Town Attorney to serve on the owner of the property on which weeds or rank vegetation are permitted to grow in violation of the provisions of this ordinance a written notice requiring the abatement of the nuisance within ten (10) days after receipt of said notice.

The notice shall be served upon the owner personally by a member of the Town Council or by the Town Attorney or by United States certified mail, return receipt requested, at the owner's last known address as shown on the tax records of the Warren County Auditor.

If the owner or his whereabouts is unknown, the notice shall be published in a newspaper of general circulation for two (2) weeks.

43.6 Abatement. If the owner does not abate the nuisance within ten (10) days after receipt of said notice or after said last publication, the Town Council or an employee or contractor of the town at the council's direction shall enter upon the real estate and proceed to cut and destroy and remove said weeds or rank vegetation.

43.7 Cost of Removal. The Town Council or an employee or contractor of the town at the council's direction shall report the cost of cutting, destroying and removal of the weeds or rank vegetation to the Town Clerk-Treasurer who shall send a bill to the owner.

The costs against the owner to cut, destroy and remove such weeds and rank vegetation shall include the cost of serving or publication of the notice and Three Cents (\$.03) per square foot for the area cleared, with no such charge being less than Twenty Dollars (\$20.00).

If the owner fails to pay the costs as billed within sixty (60) days after the cutting, destroying and removal of the weeds or rank vegetation, the Town Clerk-Treasurer shall certify to the Warren County Auditor the amount of the bill, plus any additional costs incurred in the certification, and the Warren County Auditor shall place the total amount certified on the tax duplicate for the property affected to be collected as delinquent taxes are collected.

43.8 Appeal. Within thirty (30) days after the receipt of a notice or bill issued under this ordinance, any aggrieved person

may appeal the issuance of such notice or bill to the Warren Circuit Court.

This ordinance shall be in force from and after its passage and publication.

ADOPTED this tenth (10th) day of November, 1992.

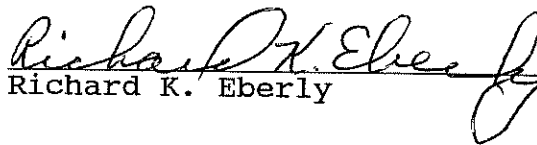
PINE VILLAGE TOWN COUNCIL



Cleo Eberly, President

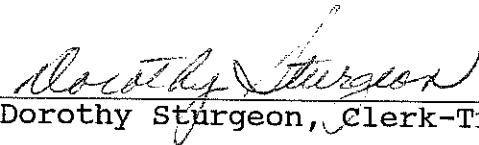


Melbourne McCormick



Richard K. Eberly

ATTEST:



Dorothy Sturgeon, Clerk-Treasurer

December 6, 2005

Auditor of Warren County
Courthouse
Williamsport, IN 47993

RE: A part of the Southeast quarter of the Southwest quarter of Section seven (7), Township twenty-three (23) North, Range seven (7) West, beginning six (6) chains North of the Southeast corner of the Southwest quarter of said Section seven (7) and running thence West five (5) chains, thence South two (2) chains, thence West five (5) chains, thence North four and seven hundredths (4.07) chains, thence East ten (10) chains, thence South two and seven hundredths (2.07) chains to the place of beginning, containing three and seven hundredths (3.07) acres, more or less.

(Parcel No. 013-00076-00)

Steve Lee Snowden and Allison Beth Broach owned said real estate; that America's Wholesale Lender held the lien on said real estate; that Countrywide Home Loans, Inc. now owns said real estate.

WHEREAS, the Town of Pine Village has an Ordinance 92-2, Chapter 43, Weeds and Other Rank Vegetation, which provides as shown on the attached copy; and

WHEREAS, said Steve Lee Snowden and Allison Beth Broach and America's Wholesale Lender were, on June 16, 2005, notified that grass and weeds and/or noxious plants had been permitted to accumulate in violation of said ordinance and were directed to abate said nuisance within ten (10) days; and

WHEREAS, said nuisance was not abated; and

WHEREAS, the Town of Pine Village had town employee, Bill Max, cut and dispose of the grass, weeds and/or noxious plants, and the cost to the Town of Pine Village was one hundred dollars and no cents (\$100.00). In addition, the Town of Pine Village incurred certified mailing costs in the amount of \$13.26. The total due the Town of Pine Village is \$113.26.

WHEREAS, on September 7, 2005, said Countrywide Home Loans, Inc. was given notice of such abatement by the Town of Pine Village and directed to reimburse the town for its expenditure within sixty (60) days, which notice was received by or served on said Countrywide Home Loans, Inc. on

Sept 15; and

WHEREAS, more than sixty (60) days has expired and Countrywide Home Loans, Inc. has not reimbursed the Town of Pine Village the one hundred thirteen dollars and twenty-six cents (\$113.26) it spent to abate the nuisance.

NOW, THEREFORE, the undersigned Nancy C. Kochell, Clerk-Treasurer of the Town of Pine Village, hereby certifies that the cost of abating the nuisance, plus the costs of service and notice to the landowner, a total of one hundred thirteen dollars and twenty-six cents (\$113.26), shall be placed on the tax duplicate for the above described property and be collected as delinquent taxes are collected.

Nancy C. Kochell

Nancy C. Kochell, Clerk-Treasurer
Town of Pine Village